

REMARKS

Original claims 1 through 25 are pending in the instant application, with claims 26 and 27 having been withdrawn due to election/restriction. Pursuant to the nonfinal Office Action of February 24, 2005, claims 1 through 24 stand rejected and claim 25 is objected to. Claims 26 and 27 have been withdrawn through election/restriction.

Examiner rejected claims 1-23 under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as his invention. Applicant has amended these claims to avoid the indefiniteness. Examiner is correct in assuming that Applicant is intending to claim the subcombination of a seat belt system for use with a seat and seat frame and Applicant has amended the claims consistent with this intention. Applicant now requests that as these claims now meet the requirements of definiteness under 35 USC 112, paragraph 2, that they are allowable and Applicant respectfully requests such allowance.

Counsel for Applicant called the Examiner on July 25, 2005 regarding the subcombination/combination issue noted above. Applicant's counsel requested clarification regarding the indefiniteness rejections. The Examiner indicated that he assumed the subcombination of a seat belt system for use with a seat and seat frame was the intention of the claims cited by the Examiner and Applicant's counsel confirmed this was the intent of the claims. The Examiner suggested that use of language specifying that the seat belt system was "adapted for use" with a seat and seat frame would provide clarity under these circumstances. Applicant's counsel agrees that such language is appropriate to define the invention without limiting the scope of the claims, and has adopted the Examiner's helpful suggestion.

Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include reference signs not mentioned in the description; specifically reference signs 110, 120, and 130 in Figure 4. Applicant has amended the specification to better conform to the drawings. Specifically Applicant has amended the paragraph in the "Detailed Description" describing Figure 4 to include a description of these reference signs. No new matter has been added and no changes to the drawings are necessitated with this change in the specification.

Examiner has objected to the abstract as including legal phraseology ("means"). Applicant has removed the term and requests that the Abstract as amended be accepted.

Examiner has rejected claim 24 under 35 USC 102(b) as being anticipated by Makinen (U.S. Patent No. 3,451,720) and Jantzen (U.S. Patent No. 3,418,007). Applicant has amended claim 24. Both Makinen and Jantzen teach and claim a restraint/seat belt harness system where the shoulder strap (22 in Makinen and 33 in Jantzen) is attached and secured to the roof of the vehicle. In applicant's seat belt system, the shoulder harness is secured to a housing unit secured under the seat frame. This is a very distinct difference from either Makinen or Jantzen and Applicant respectfully requests that with the amendment to Claim 24, that this claim be deemed allowable. New claim 28 is added as a dependent claim to independent claim 24 and with its additional limitations should also be deemed allowable.

Examiner has objected to claim 25 as being dependent upon a rejected based claim, independent claim 24, but would allow the claim if rewritten in independent form. Applicant realizes a typographical error occurred in claim 25 and has amended the claim to correct this error. Applicant is requesting that with the amendments of claim 24 and 25 that both these claims, as well as new claim 28 be allowed as claim 25 and 28 both depend on amended claim 24 that Applicant believes is allowable and distinguishable from Makinen and Jantzen. Applicant has also added new independent claims 29 and 30 as well as dependent claim 31, which is dependent on claim 1.

Applicant has previously withdrawn claims 26 and 27 under election/restriction and is continuing prosecution of these claims under a continuation application filed concurrently with this response.

SUMMARY

In summary, Applicant respectfully submits that the rejection of amended independent claims 1, 17, and 22, should be removed as amendments have eliminated any indefiniteness and Applicant respectfully requests allowance of these claims.

Dependent claims 2-16 depend upon independent claim 1, dependent claims 18-21 depend on independent claim 17, and dependent claim 23 depends on independent claim 22, and all dependent claims are thus patentable for the same reasons given above

with respect to independent claims 1, 17, and 22, and more so since they add additional limitations.

Amended claim 24 is distinguishable over Makinen and Jantzen and Applicant respectfully requests allowance of this amended independent claim as well as dependent claim 25 and new dependent claim 28 for the same reasons.

New independent claims 29 and 30 and dependent claim 31 are added and Applicant respectfully requests allowance of these new claims.

CONCLUSION

If the Examiner believes a telephone conference with Applicant's attorney would expedite or conclude prosecution of this application, the Examiner is cordially invited to contact Applicant's attorney by telephone at the below-listed number.

In summary, Applicant respectfully submits that claims 1 through 25 and claim 28, as amended, as well as new claims 29, 30 and 31 are clearly allowable for the reasons stated herein and therefore request such allowance.

Respectfully submitted,

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